

**PUBLIC SAFETY
AND
LEGAL ADMINISTRATION COMMITTEE**

MINUTES

OCTOBER 31, 2006

The regularly scheduled meeting of the Public Safety and Legal Administration Committee was held on **Tuesday, October 31, 2006 at 3:21 p.m., in Committee Room #2.** The following members were present:

**The Honorable Cleta Winslow, Chair
The Honorable Ivory L. Young, Jr.
The Honorable H. Lamar Willis
The Honorable Anne Fauver
The Honorable Joyce Sheperd
The Honorable Carla Smith**

The following member was absent:

The Honorable C. T. Martin, Vice-Chair

Others present at the meeting were: Councilmember Jim Maddox, Jerry DeLoach, Megan Middleton and Dianne Mitchell, Law Department; Deputy Chiefs Carlos Banda, Harold Dunovant and Peter N. Andresen, Police Department; Jim Dawes, Fire and Rescue Department; Raines Carter, City Solicitor; Greg Pridgeon, Mayor's Office; the media, public and council staff.

Chair Cleta Winslow called the meeting to order at 3:21 p.m. after declaring a quorum present. She then proceeded with the following order of business.

A. ADOPTION OF AGENDA – ADOPTED

B. APPROVAL OF MINUTES – APPROVED

CONSENT

C. RESOLUTIONS

Claims with favorable recommendations:

- | | |
|----------------|---|
| 06-R-2317 (1) | Claim of <u>Beverly Starks</u> , for damages alleged to have been sustained as a result of a sewer backup on September 15, 2004 and July 6, 2005 at 1322 Fair Street. <u>\$2,000.00</u> |
| 06-R-2318 (2) | Claim of <u>Nantachai Kantanantha</u> , for vehicular damages alleged to have been sustained when a sanitation truck struck electrical wires causing hot metal to fall on an automobile accident on July 27, 2006 at 1370 Howell Mill Road, NW. <u>\$1,785.00</u> |

Public Safety and Legal Administration Committee Minutes
October 31, 2006
Page Two

RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 06-R-2319 (3) Claim of **Lynn and Randy Guyton**, for damages alleged to have been sustained during the repair of a water main break on March 2, 2006 at 822 Wellesley Drive. **\$1,000.00**
- 06-R-2320 (4) Claim of **Abbey Mullaney**, for damages alleged to have been sustained as a result of a fallen tree on August 4, 2005 at 999 Albion Avenue. **\$4,785.00**
- 06-R-2321 (5) Claim of **Sandra S. Adair**, for damages alleged to have been sustained during the repair of a tail piece leak on September 7, 2006 at 4260 Whitewater Creek Road. **\$972.00**
- 06-R-2322 (6) Claim of **State Farm Insurance Companies, as subrogee, of Christine Abron**, for damages alleged to have been sustained as a result of driving over a utility cut on January 24, 2006 at 764 Lullwater Road, NE, Atlanta, GA. **\$1,327.01**
- 06-R-2323 (7) Claim of **Gary Hoilman**, for damages alleged to have been sustained when a vehicle drove over a construction plate that was partially covering a construction site on April 7, 2006 at 952 Cumberland Road. **\$1,320.00**
- 06-R-2324 (8) Claim of **Shakita Sims, through her Attorney, Chris C. Nwachukwu, Esq.**, for bodily injuries alleged to have been sustained due to an automobile accident on May 31, 2006 at 2297 Swallow Circle, SE and Jay Place, SE. **\$4,000.00**
- 06-R-2325 (9) Claim of **Geoyundra Taylor, through her Attorney, Chris C. Nwachukwu, Esq.**, for bodily injuries alleged to have been sustained due to an automobile accident on May 31, 2006 at 2297 Swallow Circle, SE and Jay Place, SE. **\$6,000.00**
- 06-R-2326 (10) Claim of **Mamie Taylor, through her Attorney, Chris C. Nwachukwu, Esq.**, for bodily injuries alleged to have been sustained due to an automobile accident on May 31, 2006 at 2297 Swallow Circle, SE and Jay Place, SE. **\$6,000.00**

Public Safety and Legal Administration Committee Minutes
October 31, 2006
Page Three

RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 06-R-2327 (11) Claim of **Dana Linton-Moss**, for damages alleged to have been sustained as a result of a vehicular incident on September 17, 2004 at 675 Ponce de Leon Avenue.
\$5,537.00
- 06-R-2328 (12) Claim of **Kevian Bateman**, for damages alleged to have been sustained as a result of striking an open construction cut on June 22, 2006 at Capitol Avenue and Pollard Boulevard.
\$766.00
- 06-R-2329 (13) Claim of **Markuise Brooks, through his Attorney, Donald Ellis**, for damages alleged to have been sustained as a result of a vehicular accident on May 26, 2006 at 230 Milton Avenue.
\$3,500.00
- 06-R-2330 (14) Claim of **Wardine L. Yarbough**, for damages alleged to have been sustained as a result of a slip and fall incident on August 2, 2006 at the Broad Street Plaza.
- 06-R-2331 (15) Claim of **Michelle and Chris Decoufle**, for damages alleged to have been sustained as a result of water discoloration on February 12, 2004 at 932 Eulalia Road.
- 06-R-2332 (16) Claim of **Fireman's Fund Insurance Company, as subrogee of, Hattie Diop**, for damages alleged to have been sustained as a result of a sewer backup on January 2, 2005 at 2251 Maxwell Drive.
- 06-R-2333 (17) Claim of **Miller Johnson III, through his Attorney, Chandra T. Jones**, for damages alleged to have been sustained as a result of a water account dispute for property located at 4209 Giverny Boulevard.
- 06-R-2334 (18) Claim of **Glenn C. Stegall, though his insurance carrier, USAA Insurance**, for damages alleged to have been sustained as a result of an automobile accident on March 25, 2006 at Central Avenue, SE and Alice Street, SE.

Public Safety and Legal Administration Committee Minutes
October 31, 2006
Page Four

RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 06-R-2335 (19) Claim of **Comcast, through its insurance carrier, Phoenix Loss Control**, for damages alleged to have been sustained during the installation of a water meter on July 18, 2006 at 2617 Waterdale Road, SW.
- 06-R-2336 (20) Claim of **Odell Kindricks**, for water damages alleged to have been sustained due to a faucet being on during the time water service was restored on June 2, 2006 at 1822 Fort Valley Drive, SW.
- 06-R-2337 (21) Claim of **Laura Findley**, for damages alleged to have been sustained as a result of stepping onto a water meter lid on May 18, 2004 at 1226 Lyndale Drive.
- 06-R-2338 (22) Claim of **Vizion B. Jones**, for damages alleged to have been sustained due to water run-off from a fire that was extinguished by fire fighters on May 9, 2006 at 2999 Landrun Drive.
- 06-R-2339 (23) Claim of **DeAngelo Rowland**, for damages alleged to have been sustained from flooding due to storm water overflow on August 22, 2006 at 309 Edgewood Avenue, SE.
- 06-R-2340 (24) Claim of **Hosea McAdams**, for damages alleged to have been sustained from flooding due to storm water overflow on August 21, 2006 at 309 Edgewood Avenue, SE.
- 06-R-2341 (25) Claim of **Cathie and Clark Crozer, through their Attorney, Jonathan P. Hayes**, for damages alleged to have been sustained as a result of a vehicular accident on March 3, 2006 at the intersection of Pollard Boulevard and Fulton Street.
- 06-R-2342 (26) Claim of **Judeat Thompson**, for property damages alleged to have been sustained when a city vehicle struck a mail box on July 27, 2006 at 2736 Tell Place Drive, SW.

Public Safety and Legal Administration Committee Minutes
October 31, 2006
Page Five

RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

06-R-2343 (27) Claim of **Maxine L. and Frank K. Hyland, through their insurance carrier, SAFECO Insurance Companies**, for damages alleged to have been sustained during the installation of a water meter on December 16, 2005 at 3400 Habersham Road.

06-R-2344 (28) Claim of **Warren Brownlee**, for property damages alleged to have been sustained from broken utility boxes caused during a sidewalk installation project in October 2005 at 30 Cleveland Avenue, SE.

(Councilmember Sheperd made a motion to hold.)

HELD

06-R-2345 (29) Claim of **Lawrence Johnson**, for bodily injuries alleged to have been sustained after stepping into a hole in the right-of-way on December 6, 2005 at Ralph McGill Boulevard and Glen Iris Drive, NE.

06-R-2346 (30) Claim of **Grant L. Winrow, through his Attorney, Kwame Lateef Townes**, for damages alleged to have been sustained as a result of an automobile accident on December 8, 2002 at 10th and Juniper Streets.

06-R-2347 (31) Claim of **Lorraine Y. Buster**, for vehicular damages alleged to have been sustained from driving over a metal plate that was partially covering a construction site on June 25, 2006 at 3098 Delmar Lane, NW.

06-R-2348 (32) Claim of **Eddie Howard**, for damages alleged to have been sustained from flooding from storm water on July 7, 2005 at 1647 Kenmore Street, SW.

06-R-2349 (33) Claim of **VFH Captive Insurance Co., as subrogee of, Pierre L. Jeudi**, for damages alleged to have been sustained as a result of rear-ended on July 19, 2006 at the intersection of University Avenue, SW and Pryor Street, SW.

Public Safety and Legal Administration Committee Minutes
October 31, 2006
Page Six

RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 06-R-2350 (34) Claim of **Peter Lyon, through their Attorney, Jonathan P. Hayes**, for damages alleged to have been sustained as a result of a vehicular accident on March 3, 2006 at the intersection of Pollard Boulevard and Fulton Street.
- 06-R-2351 (35) Claim of **Vicki R. Lyon, through their Attorney, Jonathan P. Hayes**, for damages alleged to have been sustained as a result of a vehicular accident on March 3, 2006 at the intersection of Pollard Boulevard and Fulton Street.
- 06-R-2352 (36) Claim of **Robert Richardson, Jr., through their Attorney, Jonathan P. Hayes**, for damages alleged to have been sustained as a result of a vehicular accident on March 3, 2006 at the intersection of Pollard Boulevard and Fulton Street.
- 06-R-2353 (37) Claim of **Orpheus Holsey**, for damages alleged to have been sustained due to water line maintenance on August 5, 2005 at 910 Highland Hill Drive.
(Councilmember Smith made a motion to approve items C1-C27 and C29-C37)

FAVORABLE

D. ORDINANCE FOR FIRST READING

- 06-O-2315 (1) An Ordinance by Public Safety and Legal Administration Committee amending the 2006 (Intergovernmental Grant Fund) Budget, Department of Corrections ("Corrections"), by adding to anticipations and appropriations in the amount of \$98,723.00 for grant funds from the U.S. Department of Justice ("DOJ") for the purpose of continuing the "Women for Women" Program at the Atlanta City Detention Center; and for other purposes.

TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

REGULAR

E. ORDINANCES FOR SECOND READING

- 06-O-2205 (1) An Ordinance by Public Safety and Legal Administration Committee amending the 2006 (Intergovernmental Grant Fund) Budget, Department of Police ("Department"), by adding to anticipations and appropriations in the amount of \$57,740.00, for grant funds from the Georgia Emergency Management Agency, in order to purchase equipment and supplies pursuant to the Buffer Zone Protection Program for Homeland Security preparedness; and for other purposes.
(Councilmember Willis made a motion to approve.)

FAVORABLE

- 06-O-2206 (2) An Ordinance by Public Safety and Legal Administration Committee amending the 2006 (Intergovernmental Grant Fund) Budget, Department of Police ("Department"), by adding to anticipations and appropriations in the amount of \$4,125.00, for a grant from the Governor's Criminal Justice Coordinating Council to fund one member of the Department's Command Staff to attend the 2006 Georgia International Law Enforcement Exchange to receive anti-terrorism training in Israel; and for other purposes.
(Councilmember Willis made a motion to approve.)

FAVORABLE

- 06-O-2207 (3) An Ordinance by Public Safety and Legal Administration Committee to correct the Center Number in Ordinance Number 06-O-1619 adopted by the Atlanta City Council on September 05, 2006, and approved by the Mayor on September 13, 2006; and for other purposes.
(Councilmember Willis made a motion to approve.)

FAVORABLE

Public Safety and Legal Administration Committee Minutes
October 31, 2006
Page Eight

F. RESOLUTIONS

- 06-R-2276 (1) A Resolution by Councilmembers Cleta Winslow, Natalyn Archibong, Joyce Sheperd, H. Lamar Willis, C. T. Martin, Jim Maddox, Ivory L. Young, Jr., Ceasar C. Mitchell, Kwanza Hall, Clair Muller, Mary Norwood and Carla Smith authorizing the Mayor to execute a grant agreement with the White House Office of National Drug Control Policy (ONDCP) in the supplemental amount of \$1,100,000.00 to augment and enhance operation of the High Intensity Drug Trafficking Area (HIDTA) Task Force; and for other purposes.
(Councilmember Smith made a motion to approve.)

FAVORABLE

- 06-R-2316 (2) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor or designee to issue a Notice-to-Proceed to expand the Scope of Work to increase the capacity of the community room at Fire Station 28 with Shaw Environmental, Inc./AIM Partner, PLC, Joint Venture, for FC-7619-03F, Annual Contract for Architectural and Engineering Services, for the construction contract for administration and other purposes, for replacement of Fire Stations 13, 18 and 28, on behalf of the Department of Fire and Rescue in an amount not to exceed \$26,966.00. All contracted work shall be charged to and paid from Fund, Account and Center Number: 1C46 573001 W11C022892AC (2002 Bond Project Fund-Facility Building-Fire Station 28 Construction).
(Councilmember Willis made a motion to approve.)

FAVORABLE (1 ABSTENTION) YOUNG

G. PAPERS HELD IN COMMITTEE

- 06-O-0204 (1) An Ordinance by Councilmember Jim Maddox **as substituted #2 by Public Safety and Legal Administration Committee** to amend Article XXIV, Section 30-1461, 30-1464, 30-1483, 30-1484 and 30-1485 of the Code of Ordinances of the City of Atlanta, Georgia entitled "Vending on Private Property" so as to add the term "Site Plan": to the definitions section; to add additional vending restrictions

PAPERS HELD IN COMMITTEE (CONT'D)

and prohibitions; to shorten the period of time during which vendors may operate at a location; to create a new section 30-1488 to be entitled "Aesthetic Standards"; to waive conflicting Ordinances; and for other purposes. **(Held 1/10/06 for further review) (Work session held 2/22/06) (Substituted and held 10/10/06 at the request of the author for further review by the Staff and the Law Department.) (Substituted and Held 10/31/06 for a Public Hearing 11/14/06 at 3:00 p.m.)**

SUBSTITUTED AND HELD

- 06-R-0433 (2) Claim of **Robert Colgin**, for damages alleged to have been sustained as a result of flooding on July 9, 2005 at 3340 Chatham Road, NW. **(Referred back by Council 2/20/06) (Held 2/28/06 for further investigation at the request of Councilmember Muller)**

HELD

- 06-R-0633 (3) Claim of **Gregory V. Burson, Jr.**, for damages alleged to have been sustained as a result of striking an open construction cut on January 18, 2006 at 832 Pryor Street, SW. **(Held 3/14/06 for further investigation at the request of Councilmember Smith)**

HELD

- 06-O-1044 (4) An Ordinance by Councilmembers H. Lamar Willis and C. T. Martin to amend the Code of Ordinances of the City of Atlanta, Georgia, Chapter 162, Article 2, Section 162-61(a) and Chapter 162, Article 2, Section 162-34(f) to allow short breaks in service for Taxicabs; to allow the Chief of Police or his designee, discretion to grant further extension for correction slip matters; to repeal conflicting ordinances; and for other purposes. **(Held 5/9/06 at the request of Councilmember Martin)**

HELD

Public Safety and Legal Administration Committee Minutes
October 31, 2006
Page Ten

PAPERS HELD IN COMMITTEE (CONT'D)

- 06-O-1045 (5) An Ordinance by Councilmembers H. Lamar Willis and C. T. Martin to amend the Code of Ordinances of the City of Atlanta, Georgia, Chapter 162, Article 2, Section 162-57(a)(3) so as to delete residency requirements for securing or maintaining Vehicle for Hire CPNC's; to repeal conflicting ordinances; and for other purposes. **(Held 5/9/06 at the request of Councilmember Martin)**

HELD

- 06-O-1142 (6) An Ordinance by Public Safety and Legal Administration Committee to waive Section 2-1854 of the City of Atlanta Code of Ordinances to allow for the re-appointment of Barney Simms to the License Review Board; and for other purposes. **(Held 6/13/06 for further review)**

HELD

- 06-O-1601 (7) An Ordinance by Councilman C. T. Martin to amend Article XXIII (Entitled "Vending on Public Property"), Division 1, Section 30-1401, of the Code of Ordinances of the City of Atlanta, Georgia, so as to exempt Disabled Veterans from most of the provisions of the Public Property Vending Code; to waive conflicting ordinances; and for other purposes. **(Held 8/15/06 for further review.)**

HELD

- 06-R-1719 (8) Claim of **Kay E. Stephensen and Mark T. Gilliland**, for damages alleged to have been sustained as a result of storm water overflow on May 16, 2003 at 1125 Rosedale Drive, NE. **(Held 8/15/06 at request of Councilmember Fauver.)**

HELD

- 06-O-1908 (9) An Ordinance by Public Safety and Legal Administration Committee amending Chapter 162, Article II, Division 1, Section 162-33 of the Code of Ordinances of the City of Atlanta, Georgia ("City"), on behalf of the Department of Police, Bureau of Taxicabs and Vehicles for Hire ("Department"), for the purpose of increasing the fees the City assesses Taxicab Drivers and Taxicab Companies in order to offset the funding that's provided by the City to subsidize the Department's Operating Budget; to create a Taxicab Re-Inspection Fee; and for other purposes. **(Held 9/12/06 for a work session.)**

HELD

Public Safety and Legal Administration Committee Minutes
October 31, 2006
Page Eleven

PAPERS HELD IN COMMITTEE (CONT'D)

- 06-R-2107 (10) A Resolution by Public Safety and Legal Administration Committee authorizing the settlement of the claim of Cynthia Mincey in the amount of \$735.85 against the City of Atlanta; and for other purposes. **(Held 9/26/06 at request of Councilmember Sheperd for further review.)**

HELD

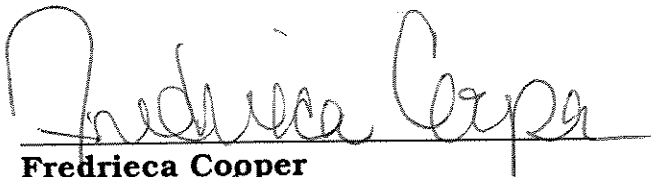
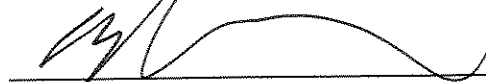
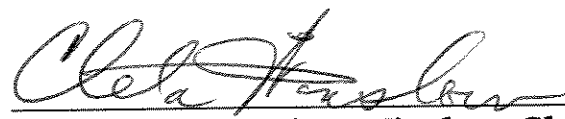
- 06-O-2245 (11) An Ordinance by Councilmembers Jim Maddox and Kwanza Hall **as substituted by Public Safety and Legal Administration Committee** to amend Chapter 150 of the Code of Ordinances of the City of Atlanta by creating a new Section 150-69 so as to require the use of a hands-free communications device with a mobile telephone by a person who may engage in a phone call while operating a motor vehicle in the City of Atlanta when the vehicle is in motion; and for other purposes. **(Held 10/10/06 at the request of the authors for further review by the Law Department.) (Substituted and Held 10/31/06 for a Public Hearing 11/14/06 at 3:00 p.m.)**

SUBSTITUTED AND HELD

Public Safety and Legal Administration Committee Minutes
October 31, 2006
Page Twelve

There being no further business to come before the Committee, the meeting was adjourned at 4:45 p.m.

Respectfully Submitted:


Fredrieca Cooper
Legislative Assistant
Bernard Thomas
Research and Policy Analyst
The Honorable Cleta Winslow, Chair
Public Safety and Legal Administration Committee